

## **REMARKS**

The present response cancels claims 1-4 without prejudice or disclaimer as to the subject matter therein. New claims 5-8 are presented. Further examination and reconsideration of the presently claimed application are respectfully requested.

### **Information Disclosure Statement**

An Information Disclosure Statement is submitted herewith in a separate paper which cites the references listed in the present specification. Consideration is respectfully requested.

### **Objections to the Drawings**

Objections were lodged against the drawings for various informalities. The drawings have been amended herein to obviate the objections in their entirety.

### **Section 112 Rejection**

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response thereto, claim 1 has been canceled and new claim 5 presented. Specifically, the recitation "predetermined path relative to the first unit" has been deleted from new claim 5. It is believed new claim 5 obviates the rejections cited against claim 1.

### **Section 102 Rejection**

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,470,047 to Kleinerman et al. (hereinafter "Kleinerman"). Applicants will address the rejections as to newly presented claims 5-8. The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicants submit the cited art

fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

**Kleinerman does not teach or suggest a non-contacting rotary joint or a transmitter and receiver rotatable relative to each other along the rotary joint.** Present claim 5 specifies a non-contacting rotary joint. The transmitter of a first unit can transmit a signal to a receiver of a second unit. The transmitter and receiver are rotatable relative to each other along the rotary joint. Support for claim 5 are set forth in the originally-filed specification, for example, on page 5, lines 8-17. Contrary to claim 5, Kleinerman makes no mention whatsoever of the spatial orientation between a transmitter and receiver, and certainly not that the transmitter and receiver are those within a non-contacting rotary joint. Moreover, Kleinerman makes no mention that a transmitter and receiver can be rotated relative to other along the rotary joint. Instead, Kleinerman appears to describe only a channel 44 separating a transmitter 32 and a receiver 50 (Kleinerman -- Fig. 2). No mention is made that the channel is that of a rotary joint and that the transmitter 32 and receiver 50 rotate relative to each other (Kleinerman -- Fig. 2). Absent any suggestion of a rotary joint, Kleinerman certainly cannot describe each and every element of the currently pending claims.

**Kleinerman does not teach a transmitter conductor array or tapping electrical signals in the near field of the transmitter conductor array.** Present claim 5 not only describes a transmitter conductor array, but also describes a receiving antenna that taps electrical signals in the near field of the transmitter conductor array. Clearly, claim 5 demarcates the difference between an antenna and a conductor array. The Office Action alleges that an antenna is the same as a transmitter conductor array for purposes of judging patentability (Office Action -- pg. 4). Applicants respectfully disagree. If the present claims wished for an antenna to be the same as a transmitter conductor array, then under the principles of claim differentiation, they would have been claimed to be the same and the same terminology would have been used describing each. However, it is made clear that a transmitter conductor array is not the same as an antenna. Not only does Kleinerman not teach a transmitter conductor array, but does not suggest tapping electrical signals in the near field of the transmitter conductor array.

For at least the reasons stated above, Applicants assert that claim 5 and claims dependent therefrom are patentably distinct over the cited art. Accordingly, removal of this rejection is respectfully requested.

## **CONCLUSION**

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed December 28, 2006. In view of the remarks traversing the rejections, Applicants assert that pending claims 5-8 are in condition for allowance. If the Examiner has any questions, comments or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268/5858-01500.

Respectfully submitted,  
/Kevin L. Daffer/  
Kevin L. Daffer  
Reg. No. 34,146  
Attorney for Applicant(s)

Daffer McDaniel, LLP  
P.O. Box 684908  
Austin, TX 78768-4908  
(512) 476-1400  
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